House File 427 - Introduced

HOUSE FILE 427
BY SCHULTZ

A BILL FOR

- 1 An Act relating to the use of drones, and providing penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. NEW SECTION. 80C.1 Use of drones by law
- 2 enforcement agency prohibited exceptions remedy.
- 1. As used in this section, a "drone" means an expendable or
- 4 retrievable powered aerial vehicle that does not carry a human
- 5 operator, uses aerodynamic forces to provide lift, and can fly
- 6 autonomously or be piloted remotely.
- 7 2. A law enforcement agency shall not use a drone to gather
- 8 evidence or other information.
- 9 3. Notwithstanding subsection 2, a drone may be used
- 10 by a law enforcement agency under any of the following
- 11 circumstances:
- 12 a. The United States secretary of homeland security has
- 13 determined that credible intelligence exists indicating a
- 14 terrorist attack by a specific individual or organization is at
- 15 a high risk of occurring.
- 16 b. A search warrant is obtained authorizing the use of a
- 17 drone.
- 18 c. A reasonable suspicion exists that rapid action is
- 19 required to save a person, prevent serious damage to property,
- 20 prevent the imminent escape of a suspect, or prevent the
- 21 destruction of evidence.
- 22 4. An aggrieved party may initiate a civil action against
- 23 a law enforcement agency in a court of competent jurisdiction
- 24 in order to obtain appropriate relief to prevent or remedy a
- 25 violation of this section.
- 26 5. Evidence obtained or collected in violation of this
- 27 section shall not be admissible as evidence in a criminal
- 28 prosecution in any court in this state.
- 29 EXPLANATION
- 30 This bill relates to the use of drones. Under the bill, a
- 31 law enforcement agency shall not use a drone to gather evidence
- 32 or other information.
- 33 The bill provides that a drone may be used by a law
- 34 enforcement agency under the following circumstances: the
- 35 United States secretary of homeland security has determined

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- 1 that credible intelligence exists indicating a terrorist attack
- 2 is at a high risk of occurring; a search warrant is obtained
- 3 authorizing the use of a drone; or reasonable suspicion exists
- 4 that rapid action is required to save a person, prevent serious
- 5 damage to property, prevent the imminent escape of a suspect,
- 6 or prevent the destruction of evidence.
- 7 An aggrieved party may initiate a civil action against a
- 8 law enforcement agency in a court of competent jurisdiction
- 9 in order to obtain appropriate relief to prevent or remedy a
- 10 violation of the bill.
- 11 The bill also specifies that evidence obtained or collected
- 12 in violation of the bill shall not be admissible as evidence in
- 13 a criminal prosecution in any court in this state.